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SENATE BILL

No. 255

Introduced by Senator Speier

(Coauthor: Senator Romero)

(Coauthors: Assembly Members *Dickerson*, Dutra, Firebaugh,
Florez, Havice, Horton, Pavley, and Shelley)

February 15, 2001

An act to add Division 6.7 (commencing with Section 15600) to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 255, as amended, Speier. Crimes: unattended children in vehicles.

(1) Existing law makes it a crime for any person, under circumstances or conditions likely to produce great bodily harm or death, to willfully cause or permit any child to suffer, or inflict thereon unjustifiable physical pain or mental suffering, or having the care or

custody of any child, willfully cause or permit the person or health of that child to be injured, or willfully cause or permit that child to be placed in a situation where his or her person or health is endangered. This crime is required to be punished by imprisonment in a county jail not exceeding one year, or in the state prison for 2, 4, or 6 years.

This bill would additionally make it an infraction, punishable by a fine of \$100, ~~except that the court would be authorized to reduce or waive the fine if the defendant is economically disadvantaged and attends a community education program,~~ for the parent, legal guardian, or other person responsible for a child who is 6 years of age or younger to leave that child inside a motor vehicle, without being subject to the supervision of a person who is 12 years of age or older, and where there are conditions that present a significant risk to the child's health or safety, or when the vehicle's engine is running or the vehicle's keys are in the ignition, or both. *This bill would authorize the court to reduce or waive the fine if the defendant is economically disadvantaged and attends a community education program.* This bill would provide that the infraction provision ~~would~~ *and a related infraction provision do not* apply if an unattended child is injured or medical services are rendered.

The bill thereby would impose a state-mandated local program by creating a new crime.

The bill would require that ~~60%~~ 70% of the revenue collected from fines imposed under these provisions be allocated by the county treasurer to the county or city health department where the violation occurred, to be used for the development and implementation of community education programs on the dangers of leaving young children unattended in motor vehicles; ~~25%~~ 15% be allocated to the county or city for the administration of the program; and 15% be allocated to the city, to be deposited in its general fund except that, if the violation occurred in an unincorporated area, this amount would be ~~allocated to the county for the community education programs described above~~ *deposited in the county's general fund.* *The bill would authorize county and city health departments to develop and implement the community education program or to contract for the development and implementation of that program. The bill would require each county and city health department to prepare and annually update a listing of community education programs that provide information on the dangers of leaving young children unattended in motor vehicles and ways to avoid this danger and would provide for the forwarding, availability, and distribution of the listing.* Because ~~this~~ the



requirements described in this paragraph would increase the level of ~~service~~ services required by ~~the county treasurer~~ *treasurers and city and county health departments*, the bill would *thereby* impose a state-mandated local program.

The bill would require the department to include information concerning the dangers of leaving children unattended in motor vehicles, including the effect of solar heat on the temperature of vehicle interiors and the penalties for noncompliance with the provisions specified above, in specified materials distributed by the department.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Leaving young children unattended in motor vehicles has
4 caused serious health and safety harm to children and is an
5 unacceptable public health and safety hazard.

6 (b) The dangers of leaving young children unattended in motor
7 vehicles include possible child access to ignition, brakes, clutch
8 and gear shift lever, and other parts of the vehicle that could cause
9 uncontrolled vehicular movement, exposure of the child to
10 extreme cold or heat in those vehicles, and other dangers.

11 (c) Prior instances where young children have been left
12 unattended in or around motor vehicles have resulted in serious
13 injury or death, with no less than 60 fatalities in this state.

(d) It is well established that educational approaches, including promotional materials and television, radio, and print advertising, by themselves, do not improve safety behavior. Only when the educational approach is integrated with enforcement activities are they effective. The report of the January 2001 Seat Belt Summit, issued by the Automotive Coalition for Traffic Safety Inc., an organization composed of the major United States automobile manufacturers, supports this fact. That report found that the use of vehicle seat belts significantly increased when a law required their use, established a monetary penalty, and the public believed that the law was being enforced. The report concludes that advertising programs without an enforcement program should not be used. Other groups, including the Insurance Institute for Highway Safety and the Harborview Injury Prevention and Research Center, have also concluded that information and educational campaigns without enforcement provisions are not effective.

(e) It is, therefore, the intent of the Legislature to improve vehicle safety for children by both educating the public about the danger of leaving a young child alone in a motor vehicle in circumstances that pose a life safety risk, and discouraging this dangerous conduct by imposing a monetary fine upon persons who engage in this conduct.

SEC. 2. Division 6.7 (commencing with Section 15600) is added to the Vehicle Code, to read:

DIVISION 6.7. UNATTENDED CHILD IN MOTOR VEHICLE SAFETY ACT

CHAPTER 1. GENERAL PROVISIONS

15600. This division shall be known and may be cited as “Kaitlyn’s Law.”

15602. This division applies to motor vehicles upon the highways and elsewhere throughout the state unless expressly provided otherwise.

15603. The purpose of this division is to help prevent injuries to, and the death of, young children from the effects of being left alone in a motor vehicle, to help educate parents and caretakers about the dangers of leaving children alone in a motor vehicle, and to authorize a monetary fine to be imposed on a person for leaving

1 a young child alone in a motor vehicle in circumstances that pose
2 a life safety risk.

3
4 CHAPTER 2. OFFENSES
5

6 15620. (a) A parent, legal guardian, or other person
7 responsible for a child who is 6 years of age or younger may not
8 leave that child inside a motor vehicle without being subject to the
9 supervision of a person who is 12 years of age or older, under either
10 of the following circumstances:

11 (1) Where there are conditions that present a significant risk to
12 the child's health or safety.

13 (2) When the vehicle's engine is running or the vehicle's keys
14 are in the ignition, or both.

15 (b) A violation of subdivision (a) is an infraction punishable by
16 a fine of one hundred dollars (\$100), except that the court may
17 reduce or waive the fine if the defendant establishes to the
18 satisfaction of the court that he or she is economically
19 disadvantaged and the court, instead, refers the defendant to a
20 community education program that includes education on the
21 dangers of leaving young children unattended in motor vehicles,
22 and provides certification of completion of that program. Upon
23 completion of that program, the defendant shall provide that
24 certification to the court. The court may, at its discretion, require
25 any defendant described in this section to attend an education
26 program on the dangers of leaving young children unattended in
27 motor vehicles.

28 (c) Nothing in this section shall preclude prosecution under
29 both this section and Section 192 of the Penal Code, or Section
30 273a of that code, or any other provision of law.

31 (d) (1) Subdivision (b) ~~does~~ and Section 40000.1 do not apply
32 if an unattended child is injured or medical services are rendered
33 on that child because of a violation described in subdivision (a).

34 (2) Nothing in this subdivision precludes prosecution under
35 any other provision of law.
36

CHAPTER 3. EDUCATIONAL PROVISIONS

15630. Notwithstanding any other provision of law, the fines collected for a violation of this division shall be allocated by the county treasurer, as follows:

(a) ~~Sixty~~ (1) Seventy percent to the county or city health department where the violation occurred, to be used for the development and implementation of community education programs on the dangers of leaving young children unattended in motor vehicles.

(2) A county or city health department may develop and implement the community education program described in paragraph (1) or may contract for the development and implementation of that program.

(3) As the proceeds from fines collected under this division become available, each county or city health department shall prepare and annually update a listing of community education programs that provide information on the dangers of leaving young children unattended in motor vehicles and ways to avoid that danger. The county or city health department shall forward the listing to the courts and shall make the listing available to the public, and may distribute it to other agencies or organizations.

(b) ~~Twenty-five~~ Fifteen percent to the county or city for the administration of the program.

(c) Fifteen percent to the city, to be deposited in its general fund except that, if the violation occurred in an unincorporated area, this ~~amount shall be allocated to the county for purposes of subdivision (a).~~ amount shall be deposited in the county's general fund.

15632. (a) The department shall include information concerning the dangers of leaving children unattended in motor vehicles, including, but not limited to, the effect of solar heat on the temperature of vehicle interiors and the penalties for noncompliance with Chapter 2 (commencing with Section 15620), in the following materials distributed by the department:

(1) The California Driver's Handbook published under subdivision (b) of Section 1656.

(2) The driver's license examination administered under Section 12804.9, by including, on a rotating basis, at least one question in one version of the driver's license examination that is periodically administered to applicants.

1 (3) Any driver's education materials certified by the
2 department.

3 (4) Courses and examinations for traffic violator schools.

4 (5) Materials provided to secondary and post-secondary
5 schools and educational institutions.

6 (6) Any materials provided to community education
7 campaigns undertaken by the department and other state agencies,
8 including, but not limited to, the Department of the California
9 Highway Patrol and the Department of Transportation.

10 (b) The department shall not republish materials before
11 existing supplies are exhausted, but shall arrange for compliance
12 with this section in the next edition or publication of those
13 materials in the normal course of business.

14 SEC. 3. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution for
16 certain costs that may be incurred by a local agency or school
17 district because in that regard this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

23 However, notwithstanding Section 17610 of the Government
24 Code, if the Commission on State Mandates determines that this
25 act contains other costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code. If the statewide cost of the
29 claim for reimbursement does not exceed one million dollars
30 (\$1,000,000), reimbursement shall be made from the State
31 Mandates Claims Fund.

